

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

UNITED STATES OF AMERICA

v.

HEATHER IDONI

)
)
)
)
)

3:22-CR-00327-2

JUDGE TRAUGER

**MOTION TO EXCLUDE “EXHIBIT 15” as PREJUDICIAL EVIDENCE PURSUANT TO
F.R.E. 403 AND EVIDENCE OF PRIOR BAD ACTS PURSUANT TO F.R.E. 404(b)**

Comes now the defendant, HEATHER IDONI, by and through counsel of record, William J. Conway, and moves this Honorable Court to exclude the introduction of “Exhibit 15” (see attached proposed Exhibit).

Specifically, on Friday January 12th, this Honorable Court held a status conference in the above referenced case wherein, counsel for the Government provided all defense counsel with their proposed exhibits for the trial that was originally scheduled to begin January 16th.

On Sunday January 14th, Counsel for the Government notified all defense counsel of a newly proposed “Exhibit 15.” This exhibit is a Facebook message purported to be by Defendant Idoni on March 7th, 2021, two days after the incident and found within their Discovery Production 3, but not provided as one of the Government exhibits. Of note, Defense counsel is in no way arguing this is a late filing or anything related to timing of production. However, the text of the Facebook message of “Exhibit 15” that the Government is seeking to introduce is as follows:

This was not a Red Rose Rescue, however 2 of the rescuers pictured have participated in RRR. We did not enter the waiting room, as in a traditional RRR. And RRR does not typically ever block entrances. The entrances inside the hallway were blocked and no moms had entered the waiting room during the time of peaceful interposition, which lasted over 2 hours.

(Counsel initially emailed the government that this is 404b) Subsequently, the highlighted portion was redacted.

Clearly, the language used by Ms. Idoni referring to other “rescues” or the Red Rose Rescue falls within the purview of a 404b analysis. This Honorable Court issued a thorough order Docket Entry #352, wherein the court reviewed numerous motions from all Defense Counsel and responses by the Government. This specific instance was not a part of the Government’s notice made on October 5th 2023, or November 29th, 2022. However, the analysis is the same and rather than rehash arguments that have been ruled on by the Court, Defense counsel would rely on the rationale provided in the Court’s Order of DE. #352.

CONCLUSION

For these reasons, Ms. Idoni prays that this Court will issue/uphold it’s Order restricting the Government from introducing any exhibits which purport to show 404b “Other Bad Acts” referenced above for the aforementioned reasons.

Respectfully submitted,

s/ William J. Conway

William J. Conway, #26808
Attorney for Heather Idoni
214 2nd Ave. North, Suite 208
Nashville, TN 37201
615-260-5363

CERTIFICATE OF SERVICE

I do hereby certify that on this the 22nd day of January, 2024, a true and exact copy of the foregoing Notice has been delivered, via the Court’s electronic filing system to Ms. Amanda Klopff et al of the United States Attorney’s Office, US Courthouse, 110 Ninth Avenue South, Suite 961-A, Nashville, TN 37203.

/s William J. Conway

William J. Conway